

Amendment and Response
Applicants: Nicola Ghelli et al.
Serial No.: 10/804,929

Attorney Docket: DID1039USD1

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REMARKS**Pending Claims:**

Claims 1, 3 and 4 were pending. Claims 1, 3 and 4 have been amended and constitute no new matter, support for which can be found in the specification and drawings. New claims 6 depends from claim 1 and new claim 7 depends from claim 4. New claims 6 and 7 constitute no new matter, support for which can be found in the specification and drawings.

Objections to the Specification:

The Examiner has objected to the abstract of the specification because it allegedly contains legal phraseology, namely comprising. Applicants respectfully submit that the abstract does not contain the word comprising.

The Examiner has also objected to the specification in order to clarify the status of the parent application. The specification has been amended to indicate the patent number of the parent application.

Objections to the Drawings:

The Examiner has required that FIG. 1 should be designated by a legend such as "Prior Art". Applicants respectfully submit that drawing of FIG. 1 is not prior art and is a perspective view of the blood oxygenation device of the invention disclosed in the present application as generally described in the specification and specifically described on page 4, lines 19 and 20.

Rejection under 35 U.S.C. § 102:

Claim 3 has been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,770,149 to Raible. Applicants respectfully traverse this rejection of the claims.

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Although Applicants disagree with the Examiner, claim 3 has been amended to clarify the subject matter of this claim. Claim 3 now recites that the filtering means has "a blood distribution chamber having a first cross-sectional area at the blood inlet and a second cross-sectional area at a location radially spaced from the blood inlet, the first cross-sectional area being greater than the second cross-sectional area." Raible does not teach nor suggest a device with a filtering means that has "a blood distribution chamber having a first cross-sectional area at the blood inlet and a second cross-sectional area at a location radially spaced from the blood inlet, the first cross-sectional area being greater than the second cross-sectional area." Therefore, Applicants respectfully request that the rejection of claim 3 be withdrawn.

Allowed Claims

The Examiner indicated that claims 1 and 4 are allowable. Claims 1 and 4 have been amended to correct typographical errors. New claim 6 depends from allowed claim 1 and new claim 7 depends from allowed claim 4. Since new claims 6 and 7 add further limitations to claims already indicated as allowable, Applicants believe claims 6 and 7 are also allowable.

Conclusion

In view of Applicants' amendments and remarks, all of the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue are respectfully requested.

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Respectfully submitted,

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By


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